December 29, 1963
1:15 p.m.

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TELEPHONE CONVERSATION BETWEEN THE PRESIDENT AND ABE FORTAS
(to Mr. Fortas)

LBJ .....progress on the Court?

AF Yes sir...and I've been trying to handle this with the greatest tact and so the way we worked it out is that Nick and the Solicitor General are going to call on the Chief Justice..see instead of my doing it..

LBJ Well we need it right quick, though, because they're already announcing it in the House and Senate and all over the damned place and we need to talk to the leaders...like talking into a big microphone..

AF I know. And that's why I asked Nick to get over there right away..I talked to him this morning and he's going to take the Solicitor General and do it.

LBJ All right. How many men on the Commission are we going to have?

AF Well, if you had Dulles and the General, and two from the House, two from the Senate, then the Chief Justice..

LBJ Who do you think of as the General?

AF Only one I can think of and I don't know many of those fellows...is Norstadt..

LBJ ....if I had any idea who we wanted...

AF So I thought we'd probably have to take Eastland and the ranking minority member of the Judiciary Committee and similarly on the House but maybe not...it wouldn't necessarily be Judiciary Committee..

Emanuel Celler, Ch. House Judiciary Com.

LBJ Yes, but Seller..God I hate to...what would you think about John McCoy(?) instead of General Norstadt?

AF I think that'd be great..he's a wonderful man..and a very dear friend of mine ..I'm devoted to him.

LBJ Let's think along that line..now, can we do this by Executive Order.

AF Yes sir.

LBJ Can we infringe upon the Congress in any way in doing it...reflect on them in any way?

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AF No sir..I think on the contrary...you know all these editorials are saying this would be a shame to have all these investigations...I think the country will think the Congress started acting wisely for a change...I think it would be a great thing, Mr. President, for them and for the country.

LBJ Who would you think about in the Senate? I'd a whole lot ..man I would have ...had to have...somebody like that...that is Chairman ...would rather have Russell than Eastland.

AF Oh, I would too. Yes sir...for anything...I'd rather have him for most anything..that would be wonderful if that could be arranged. I didn't think about that because I thought it would be..

LBJ I'd like to have Russell and Cooper...be my two.

AF That would be marvelous..simply marvelous..on the House side we could get Hale Boggs..

LBJ Well, he's talking, all the God damned time..he's a good fellow but he's done announced it in the House...

Well, that's what I mean..and I thought maybe this would help get it ~~mk~~ through ...

LBJ What do you have to get through?

AF Well I mean just the agreement that they'll do this in lieu of a Senate and House investigation..

LBJ Well, he's agreed to that..

AF That's wonderful

LBJ And McCormack has agreed to it...I would guess, what's his name..that fellow McCulloch..he's the ranking Republican...he's pretty good...or Jerry Ford.. I would think Jerry Ford would be good of the Republicans..

AF Well that'll be fine. How about...is little old Carl Albert...what about him?

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LBJ I don't know whether he'd take it or not... Yes, I think that'd be pretty good. I don't know whether we'd get away... it might be a slap at Hale if we did that..

AF That's what I'm afraid of..

LBJ Might be.. ought to Hale and McCullouch..

AF Yes sir... I wonder if we aren't stuck with Hale.....

LBJ Is heard to say "Mac, write those names down for me before I forget them ... we have the Chief Justice.. John McCloy and Allen Dulles... that's three.. we'll try to get Jerry Ford as a Republican and Hale Boggs as a Democrat.. in the House.. then we'll try to get Russell and Cooper..

AF Now I don't know the Chief Justice may not want to do this but I'll call Nick immediately and see if he's got a report yet. He should have gone over there right away.. I really gave him the hot-foot..

LBJ Well, they've already announced it.. you call him back and see what the hell is happening..

AF Who's announced it.

LBJ Hale Boggs.. got down... you see I had to tell him what we were contemplating ... so he got down on the floor of the House.. some jerk got up and said something.. so he thought he had to show his knowledge..

AF Oh, Lord. I thought you meant he'd just announce the House was going to investigate...

LBJ Well, no, he announced there was going to be a high-level commission

AF I see

LBJ That's why I'm waiting... and I don't know. I guess we have to talk to these fellows before we announce we're going to appoint them, don't we?

AF Yes sir

LBJ All right. God, I'm not much.... I think we ought to order them to do it and let them bellyache..

AF Thank you sir.

LBJ You call me, now. Bye

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